

REMARKS/ARGUMENTS

Claims 1-20 were previously canceled. Claims 21-75 are presently under examination and now stand substantively rejected. Claims 21 and 28-31 are amended and claims 46 and 75 are canceled by this amendment. Reconsideration of the claims is respectfully requested. The paragraph numbering below follows that of the Office Action. Support for the amendments to claims 21 and 28-31 can be found throughout the application and at least at page 4, lines 15-16 and 23-24, and at page 24, lines 10-11.

Rejection Under 35 U.S.C. §102

¶3. Claims 21, 22, 24-31, 35, 45, 48, 50, 56, 59, and 75 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by PCT Publication No. WO 98/54226 to Hodgkinson et al. ["Hodgkinson"]. This rejection is overcome as follows.

In general terms, claim 21 is drawn to a method of making a harvested mammary secretion product comprising an antibody specific for an antigen by hyperimmunizing a farm-animal for the antigen, administering the antigen to a mammary gland and/or a supramammary lymph node of the farm-animal, and harvesting the mammary secretion product from the farm-animal. As amended, the method of claim 21 includes the step of hyperimmunizing a farm-animal for the antigen via a mucosal passage of the farm-animal, wherein the mucosal passage selected from the group consisting of an airway of the animal and intravaginal, intrarectal, and intranasal passages of the animal.

Hodgkinson discusses oral administration, but fails to teach or suggest the presently claimed mucosal administration claim element. At page 3, lines 2-5, Hodgkinson, in characterizing Swiss Patent No. 1,573,995, describes an immunization protocol having "several IMM administration steps interspersed and requires 2 oral administration steps in the week prior to calving." And at page 8, lines 33-35, Hodgkinson reports "[f]or the IMM immunization, the antigen is generally administered via the major lactiferous duct or the supramammary lymph node." To anticipate a claim under §102, the reference must teach every element of the claim. Because Hastings fails to teach every element of amended claim 21, Applicant respectfully requests withdrawal of this rejection.

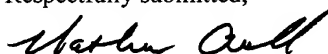
Appl. No. 09/845,036
Amdt. dated December 23, 2003
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group

PATENT

Independent claims 28-31 also recite mucosal routes which are not taught or suggested in Hodgkinson. Withdrawal of the rejection as applied to these claims is respectfully requested for the same reasons given above with respect to claim 21. What is more, Applicant submits that dependent claims 22-27, 33-45, and 47-74 are allowable because they depend from allowable base claims, as well as for the novel combination of elements they recite.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Nathan S. Cassell
Reg. No. 42,396

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
NSC:nsc
60107036 v1